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Attorneys for Defendants JENNIFER LOSKAMP  
and CHRIS SHAHEEN

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

In Re:  KINGSWAY CAPITAL PARTNERS, LLC	Chapter 11 Bankruptcy Case No.: 14-31532 HLB
KINGSWAY CAPITAL PARTNERS, LLC,  Plaintiff,  vs.  SLAVIK S. LEYDIKER, JAIME ALVAREZ, DAN BEATTY, STEVE CARMASSI, CUSTARD INSURANCE ADJUSTERS, FIRST MERCURY INSURANCE NAIC #10657, BRET HUSTED, INTER WEST INSURANCE SERVICES, JEFFREY JOHNSON, JENNIFER LOSKAMP, MARIA SOSA'S INSURER, NEW BUYER OF SUBJECT PROPERTY, ROOF GUARD COMPANY, INC., CHRIS SHAHEEN, MARIA SOSA, SOSA MARIA G. TRUST, AND STATE COMPENSATION INSURANCE FUND (CA) NAIC #35076  Defendants.	Adversary Proceeding No. 14-03149 HLB  <b>REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT</b>  Date: January 22, 2015 Time: 2:00 p.m. Dept: Courtroom 23 Judge: Hon. Hannah L. Blumenstiel

1 Please take notice that the undersigned, counsel of record for defendants, JENNIFER  
2 LOSKAMP and CHRIS SHAHEEN, (collectively "defendants") request that in connection with  
3 their Motion to Dismiss the Complaint of plaintiff, KINGSWAY CAPITAL PARTNERS, LLC,  
4 pursuant to Federal Rule of Civil Procedure 12(b)(6), this court take judicial notice, pursuant to  
5 Federal Rule of Evidence §§ 201(b), 201(c), and 201(d) of the following documents:  
6

- 7 1. A true and correct copy of the Minute Order, San Mateo Superior Court, Case No.  
8 CIV530289, Department LM, Honorable Elizabeth K. Lee, presiding, sustaining  
9 defendants' demurer with leave to amend, attached hereto as Exhibit 1. An order  
10 consistent with the Minute Order has been delivered to the Court for execution but  
11 has not, as of this submission, been signed.

12 DATED: December 10, 2014

Respectfully submitted,

13 Gagen, McCoy, McMahon, Koss, Markowitz &  
14 Raines  
A Professional Corporation

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16 By: Richard C. Raines  
17 Attorneys for Defendants JENNIFER LOSKAMP  
18 and CHRIS SHAHEEN  
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# EXHIBIT 1

# Minute Orders

[Home](#)[Complaints/Parties](#)[Actions](#)[Minutes](#)[Pending Hearings](#)[Case Report](#)[Images](#)

Case Type:

Case Number:

**Case CIV530289 - NATHANIEL BASOLA SOBAYO VS. MARIA SOSA**Action: 

**HEARING: DEMURRER TO COMPLAINT FILED 09/05/2014 OF NATHANIEL SOBAYO BY JENNIFER LOSKAMP, CHRIS SHAHEEN  
11/18/2014 - 9:00 AM DEPT. LM**

HONORABLE ELIZABETH K. LEE, JUDGE PRESIDING. CLERK: SYLVIA CUELLAR COURT REPORTER: JENELL MULLANE

NO APPEARANCE IS MADE BY ANY PARTIES HEREIN OR THEIR COUNSEL OF RECORD.

TENTATIVE RULING ADOPTED AND BECOMES THE ORDER:

THE GENERAL DEMURRER IS SUSTAINED WITH LEAVE TO AMEND TO ALLEGE WRONGFUL CONDUCT ON THE PART OF

DEFENDANTS JENNIFER LOSKAMP AND CHRIS SHAHEEN. THE SPECIAL DEMURRER FOR UNCERTAINTY IS MOOT

GIVEN THE RULING ON THE GENERAL DEMURRER.

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THE COURT NOTES THAT ON OCTOBER 27, 2014, PLAINTIFF FILED A NOTICE OF APPEAL STATING THAT

HE WAS APPEALING JUDGE ELIZABETH K. LEES ORDER GRANTING SOSAS EX PARTE APPLICATION TO EXTEND

THE TIME TO FILE A RESPONSIVE PLEADING. HEARING AND RULING ON LOSKAMP AND SHAHEENS DEMURRER

WOULD NOT AFFECT THE EFFECTIVENESS OF PLAINTIFFS APPEAL OF JUDGE LEES ORDER. THE INSTANT DEMURRER IS NOT A PROCEEDING IN THE TRIAL COURT UPON THE ORDER APPEALED FROM OR UPON

THE MATTERS EMBRACED THEREIN OR AFFECTED THEREBY, INCLUDING ENFORCEMENT OF THE ORDER; RATHER, IT IS

ANOTHER MATTER EMBRACED IN THE ACTION AND NOT AFFECTED BY THE ORDER. THUS, THE HEARING ON

THIS DEMURRER IS NOT STAYED BY THE NOTICE OF APPEAL. CCP SECTION 916(A); VARIAN MED. SYS.,

INC. V. DELFINO (2005) 35 CAL.4TH 180, 189.

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THE COURT FURTHER NOTES THAT ON OCTOBER 27, 2014, PLAINTIFF FILED A NOTICE OF STAY OF PROCEEDINGS,

ATTACHING A NOTICE OF BANKRUPTCY CASE FILING INDICATING A CASE CONCERNING KINGSWAY CAPITAL

PARTNERS, LLC, WHICH HAD BEEN FILED UNDER CHAPTER 11 OF THE UNITED STATES BANKRUPTCY CODE

ON OCTOBER 23, 2014. AS THE DEBTOR IS A PLAINTIFF, THE AUTOMATIC STAY PROVISION, WHICH APPLIES TO PROCEEDINGS AGAINST THE DEBTOR, IS INAPPLICABLE TO THIS ACTION. 11 U.S.C.A. SECTION 362(A)(1); SHORR V. KIND (1991) 1 CAL.APP.4TH 249, 254; SHAH V. GLENDALE FED. BANK (1996) 44 CAL.APP.4TH 1371, 1375-76.

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DEFENDANTS REQUEST FOR JUDICIAL NOTICE IS GRANTED.

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MOVING ATTORNEY IS DIRECTED TO PREPARE A WRITTEN ORDER CONSISTENT WITH THE COURTS RULING FOR THE COURTS SIGNATURE, PURSUANT TO CALIFORNIA RULES OF COURT, RULE 3.1312, AND PROVIDE NOTICE THEREOF TO THE OPPOSING PARTY/COUNSEL AS REQUIRED BY LAW AND THE CALIFORNIA RULES OF COURT. THE ORDER IS TO BE SUBMITTED DIRECTLY TO JUDGE ELIZABETH K. LEE, DEPARTMENT 17.

ENTERED BY SC ON 11/18/14.

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